

NOTICE OF INDEPENDENT REVIEW DECISION

July 5, 2002

RE: MDR Tracking #: M2-02-0839-01
IRO Certificate #: 4326

___ has been certified by the Texas Department of Insurance (TDI) as an independent review organization (IRO). The Texas Workers' Compensation Commission (TWCC) has assigned the above referenced case to ___ for independent review in accordance with TWCC Rule §133.308 which allows for medical dispute resolution by an IRO.

___ has performed an independent review of the proposed care to determine if the adverse determination was appropriate. In performing this review, relevant medical records, any documents utilized by the parties referenced above in making the adverse determination, and any documentation and written information submitted in support of the appeal was reviewed.

The independent review was performed by a ___ physician reviewer who is board certified in orthopedic surgery which is the same specialty as the treating physician. The ___ physician reviewer has signed a certification statement stating that no known conflicts of interest exist between him or her and any of the treating physicians or providers or any of the physicians or providers who reviewed the case for a determination prior to the referral to ___ for independent review. In addition, the reviewer has certified that the review was performed without bias for or against any party to this case.

Clinical History

This 42 year old male sustained a work-related injury in ___ when he fell off the back of a truck and developed pain in his back. The patient underwent a spinal fusion in April of 2001. The patient is still symptomatic and additional surgery is being contemplated. Discography has been requested as a pre-operative study.

Requested Service(s)

Lumbar discogram

Decision

It is determined that a lumbar discogram is medically necessary to treat this patient's condition.

Rationale/Basis for Decision

Discography is a diagnostic study that can be useful in locating the source of the pain generator in complicated cases. The MRI suggested degeneration of the disc above the fused L5-S1. If the patient reports pain similar to that suffered daily when contrast material is injected, one can feel confident that the disc is a pain generator. An experienced discographer can comment on the ease of acceptance of the contrast material. Discography is commonly utilized as a pre-operative study in complicated cases. Discography is probably less useful in acute low back pain. However, it is useful in cases similar to this one when symptoms are present post fusion. Therefore, the lumbar discogram is medically necessary.

This decision by the IRO is deemed to be a TWCC decision and order.

YOUR RIGHT TO REQUEST A HEARING

Either party to this medical dispute may disagree with all or part of the decision and has a right to request a hearing.

If disputing a spinal surgery prospective decision a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **10** (10) days of your receipt of this decision (20 Tex. Admin. Code 142.5 (c)).

If disputing other prospective medical necessity (preauthorization) decisions a request for a hearing must be in writing and it must be received by the TWCC Chief Clerk of Proceedings within **20** (twenty) days of your receipt of this decision (28 Tex. Admin Code 148.3).

This Decision is deemed received by you 5 (five) days after it was mailed (28 Tex. Admin Code 102.4(h) or 102.5(d)). A request for hearing should be sent to: Chief Clerk of Proceedings, Texas Workers' Compensation Commission, P.O. Box 40669, Austin, Texas, 78704-0012. **A copy of this decision should be attached to the request.**

The party appealing the decision shall deliver a copy of its written request for a hearing to all other parties involved in the dispute (Commission Rule 133.308 (t)(2)).

Sincerely,